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16 *Google Inc.*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN JOSE DIVISION**

15 IN RE: HIGH-TECH EMPLOYEE  
16 ANTITRUST LITIGATION

17 THIS DOCUMENT RELATES TO:  
18 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF ERIC B. EVANS IN  
SUPPORT OF DEFENDANTS' JOINT  
ADMINISTRATIVE MOTION FOR  
LEAVE TO SUPPLEMENT THE  
RECORD IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

1 I, Eric B. Evans Evans, declare as follows:

- 2 1. I am a member of the Bar of the State of California and a partner at the law firm of Mayer
- 3 Brown LLP, attorneys for Defendant Google, Inc. I submit this declaration in support of
- 4 Defendants' Joint Administrative Motion for Leave to Supplement the Record in Support
- 5 of Defendants' Opposition to Plaintiffs' Motion for Class Certification ("Administrative
- 6 Motion"). I make this declaration based on my own personal knowledge. If called to
- 7 testify as a witness, I could and would do so competently.
- 8 2. On January 9, 2013, I conferred by telephone and email with Brendan Glackin, Dean
- 9 Harvey, and Anne Shaver, counsel for Plaintiffs, to request Plaintiffs' stipulation to
- 10 Defendants' filing of supplemental evidence in support of Defendants' Opposition to
- 11 Plaintiffs' Motion for Class Certification. At their request, I provided them with copies
- 12 of the documents that are the subject of this Administrative Motion. Plaintiffs did not
- 13 agree to a stipulation.
- 14 3. Defendants filed their Opposition to Plaintiffs' Motion for Class Certification on
- 15 November 13, 2012.
- 16 4. Dr. Kevin Murphy's deposition of took place on December 3, 2012, after Defendants
- 17 filed their Opposition to Plaintiffs' Motion for Class Certification.
- 18 5. Attached hereto as Exhibit A is a true and correct copy of transcript excerpts from Dr.
- 19 Kevin Murphy's deposition on December 3, 2012.
- 20 6. In the Reply Expert Report of Edward E. Leamer, Ph.D. ("Leamer Reply Report"), filed
- 21 on December 10, 2012, Dr. Leamer provided an analysis of the variation in salary ranges
- 22 for employees of Defendants Apple and Intel for specific job titles and codes. Leamer
- 23 Reply Report (lodged under seal) at ¶¶ 63-64. Dr. Leamer did not include this analysis in
- 24 his initial expert report, filed on October 1, 2012.

25 I declare under penalty of perjury that the above is true and correct.

26 Executed on January 9, 2013 in Palo Alto, California.

27 By: /s/ Eric B. Evans

28 Eric B. Evans